19/49

File No. O. Court Fees/49

Legal **DEPARTMENT**

A **BRANCH**

Subject:— Opinions under the Court Fees Act.

R.2/E

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C O N T E N T S.

Legal Department File No. O.Court Fees/49.

S.No.	R.I. / O.No.	Subject	Pages.
		Opinions under the Court-Fees Act, 1870.	
1)	3438 30.3.49	Schedule II Art.11.. Not Levy of court fee on a memorandum of appeal under sec.144 of the code of Civil Procedure 1908.	1 - 2.

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Office of the R.L.A.

Levy of Court fee on a memorandum of appeal under section 144 of the Civil Procedure Code, 1908.

The Court Fees Act, 1870.

Schedule II Art. 11.

In Kurgodigouda v. Ningangouda (41 Bom. 625) followed in Hamid Alli v. Ahmedalli (45 Bom. 1137) the Bombay High Court has held that an application under section 144, C.P.C. is an application for execution. Although the question of court fee on an appeal from an order on the application made under section 144 C.P.C. does not appear to have been specifically raised and decided in any case, it appears, that such appeals are treated for purposes of court-fees as appeals from orders under section 47 C.P.C. which relates to execution and is chargeable under Article 11 of the second Schedule to the Court-fees Act, 1870 (see Bombay Government Notification No. 590, dated 22.9.1921 directing that the fee chargeable on appeals from orders under section 47 C.P.C. shall be limited to the amounts chargeable under Art. 11 of the second Schedule to the Court-fees Act).

Sd/- P.H.LAD,

Remembrancer of Legal Affairs.

U.R. to H.D. No.3438, dated the 30th March 1949.

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19/5.